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Dated: 4/21/04 Signature: [Signature]  
(Grape Yu)

Docket No.: 140942000201  
Client No. DX0758K1-RE  
(PATENT)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inter Patent Application of:  
J. Fernando BAZAN

Art Unit: 1646

Examiner: P. Mertz

Application No.: 09/935,366

Filed: August 22, 2001

**EXPEDITED PROCEDURE** –  
**EXAMINING GROUP 1646**

For: DNA ENCODING INTERLEUKIN-B30

**AMENDMENT AFTER FINAL ACTION (37 C.F.R. SECTION § 1.116)**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to an Office action herein mailed March 25, 2004, the time for the two month early response to which is set to expire May 25, 2004. Accordingly, this response is timely filed. Careful consideration has been given to the grounds for rejection, and the following amendment and discussion are offered in response. Reconsideration is respectfully requested.

Also included herein is the following Exhibit:

Exhibit A: Substitute Declaration under 35 U.S.C. § 251.



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Attorney Docket No.: 15831-000486 (NUS)  
Client Docket No.: DX0768K1 (R)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of J. Fernando Bazan

Application No.: 09/935,366

Filed: August 22, 2001

For: DNA ENCODING INTERLEUKIN-  
B30

Examiner: Joseph F. Murphy, Ph.D.

Art Unit: 1646

Response to Office Action

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is in response to the "final" Office Action mailed June 12, 2002 in the above-captioned patent application. Reconsideration is respectfully requested in view of the following remarks. A precautionary notice of appeal and the appropriate fees accompany this response.

Status of the Application

Claims 1-7, 9-10, and 12-17 are pending and stand rejected in the application. The claims remain rejected under 35 U.S.C. §§ 101 and 112, first paragraph, as allegedly lacking utility. These rejections, the only outstanding issue in the subject application, are addressed below.

Rejections under 35 U.S.C. 101 and 35 U.S.C. 112, 1st Paragraph

The instant Office Action maintained the rejection of the pending claims as allegedly lacking apparent or disclosed patentable utility. Applicant has previously pointed out that, contrary to the assertions of the Office, the subject specification has disclosed patentable